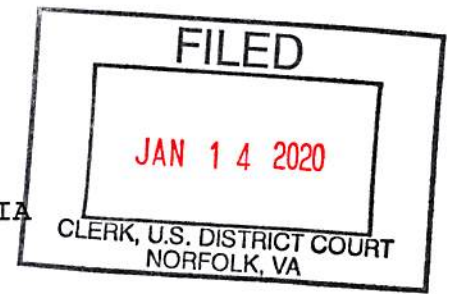


UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



BERNARD MEEKS, #29644,

Petitioner,

v.

ACTION NO. 2:18cv410

ANNE L. PRECYTHE,  
Director of the Missouri  
Department of Corrections, and

MARK R. HERRING,  
Attorney General of Virginia,

Respondents.

O R D E R

Petitioner, Bernard Meeks, has submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 1. Meeks is currently incarcerated in Jefferson City Correctional Center in Jefferson City, Missouri. ECF No. 1 at 1. Meeks, who was previously convicted and sentenced in Virginia, asserts the state of Virginia has violated his constitutional rights by filing a detainer in Missouri. ECF No. 1 at 2, 8-9.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Local Rules of the United States District Court for the Eastern District of Virginia for report and recommendation.

The report and recommendation, filed October 15, 2019, recommends that the respondent Attorney General of Virginia's motion to dismiss, ECF No. 24, be granted, and the petition for a writ of habeas corpus, ECF No. 1, be denied and dismissed without prejudice. ECF No. 32.

Meeks was advised of his right to file written objections to the findings and recommendations made by the magistrate judge. The Court has received no objections to the report and recommendation, and the time for filing objections has expired.

The Court does hereby adopt and approve the findings and recommendations set forth in the report and recommendation. It is, therefore, **ORDERED** that respondent Attorney General of Virginia's motion to dismiss, ECF No. 24, be **GRANTED**, and the petition for a writ of habeas corpus, ECF No. 1, be **DENIED AND DISMISSED WITHOUT PREJUDICE**.

Finding that the basis for dismissal of Meeks' section 2254 petition is not debatable, and alternatively finding that Meeks has not made a "substantial showing of the denial of a constitutional right," a certificate of appealability is **DENIED**. 28 U.S.C. § 2253(c); see Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a); *Miller-El v. Cockrell*, 537 U.S. 322, 335-38 (2003); *Slack v. McDaniel*, 529 U.S. 473, 483-85 (2000).

Meeks is ADVISED that, because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. R. App. P. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). If Meeks intends to seek a certificate of appealability from the Fourth Circuit, he must do so within thirty (30) days from the date of this Final Order. Meeks may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.

The Clerk shall mail a copy of this Final Order to Meeks and counsel of record for respondent.

*/s/ mbd*  
\_\_\_\_\_  
Mark S. Davis  
Chief Judge

\_\_\_\_\_  
Mark S. Davis  
Chief United States District Judge

Norfolk, Virginia

January 14, 2020